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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,243	08/21/2003	Michael Trunz	072261	7542
23573	7590	02/22/2005	EXAMINER	
HOLLAND & KNIGHT, LLP ONE EAST BROWARD BLVD. SUITE 1300 FT LAUDERDALE, FL 33301			STULTZ, JESSICA T	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/645,243	TRUNZ ET AL.	
	Examiner Jessica T. Stultz	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 November 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 2-4,6-8,10 and 11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-4,6-8,10 and 11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1104, 0104, 1103</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed November 13, 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the crossed out non-patent literature documents have not been labeled properly. Specifically, each publication listed in an IDS must be identified by publisher, author (if any), title, relevant pages of publication, date, and place of publication. Only the title of the document has been given for the crossed out references. See MPEP 37 CFR 1.98 (b). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma et al in view of Kameyama.

Regarding claim 10, Ebinuma et al discloses a holding device for an optical element (Sections 55-58, wherein the lenses “1 and 2” are held by alloy members “11” and “21”, respectively, Figure 1), comprising an objective housing (Section 59, wherein the housing is supporting member “3”, Figures 1); at least one mount that holds the optical element (Sections 56-58, wherein the mounts are “11” and “21”, Figure 1), and at least one mount being supported by the objective housing (Sections 56-60, wherein the mounts “11” and “21” are supported by housing “3”, Figure 1); the at least one mount being formed substantially entirely of a silicon-containing aluminum material (Sections 56-58, wherein the supporting member “11” is made of a ceramic material including alumina and silicon nitride and the supporting member “21” is made of aluminum-silicon-copper, Figure 1), but does not specifically disclose that the objective housing is formed substantially entirely of a silicon-containing aluminum material. Kameyama teaches of a holding device for an optical element (Column 10, lines 50-56, wherein the lens “1c” is held in the camera body “1”, Figures 1) including an objective housing (Column 17, wherein the camera “1” is held in camera casing “3”, Figure 1); at least one mount that holds the optical element, wherein the at least one mount is supported by the objective housing (Column 10, lines 50-56, mount is the camera body “1” held in casing “3”, Figures 1); the objective housing and the at least one mount being formed substantially entirely of a diecast aluminum alloy material (Column 17, line 55-Column 18, line 3, wherein the casing “3” and the body of the camera “1” is made of a diecast aluminum alloy), for the purpose of providing a lightweight material with good mechanical strength, corrosion resistance, processability and productivity (Column 17, lines 55-60). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the objective housing of Ebinuma et al to further

be made of a silicon-containing aluminum material since Kameyama teaches of a holding device for an optical element including an objective housing; at least one mount that holds the optical element, wherein the at least one mount is supported by the objective housing; the objective housing and the at least one mount being formed substantially entirely of a diecast aluminum alloy material, for the purpose of providing a lightweight material with good mechanical strength, corrosion resistance, processability and productivity.

Regarding claim 2, Ebinuma et al and Kameyama disclose and teach of a holding device as shown above and Ebinuma et al further discloses that the silicon content of the silicon-containing aluminum material is selected in such a way that the thermal expansion coefficient of the silicon-containing aluminum material is matched to the thermal expansion coefficient of the optical element (Sections 43 and 55-58, wherein the members “11” and “21” have thermal expansion coefficients substantially identical to the lenses “1 and 2”, respectively, Figure 1).

Regarding claim 3, Ebinuma et al and Kameyama disclose and teach of a holding device as shown above and Ebinuma et al further discloses that the optical element is a lens (Sections 55-58, wherein the lenses “1 and 2” are held by alloy members “11” and “21”, respectively, Figure 1).

Regarding claim 4, Ebinuma et al and Kameyama disclose and teach of a holding device as shown above and Ebinuma et al further discloses that the at least one mount comprises at least a portion of a lens mount (Sections 55-58, wherein the lenses “1 and 2” are mounted on alloy members “11” and “21”, respectively, Figure 1).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma et al in view of Ebinuma et al and further in view of Hanada et al.

Regarding claims 6-8, Ebinuma et al and Kameyama disclose and teach of a holding device as shown above, but do not specifically disclose that the silicon content in the aluminum material is more than 40% (and therefore also more than 15%) by weight or that the thermal expansion coefficient is less than  $24 * 10^{-6} K^{-1}$  at a density of less than  $7.5 \text{ g/cm}^3$ . Hanada et al teaches of a holding device wherein a base is made of a silicon-containing aluminum alloy wherein the silicon content in the aluminum material is more than 40% (and therefore also more than 15%) by weight (Column 3, lines 41-68) and that the thermal expansion coefficient is less than  $24 * 10^{-6} K^{-1}$  at a density of less than  $7.5 \text{ g/cm}^3$  (Column 3, lines 53-62 and Table 1, Column 8) for the purpose of providing a lightweight member with excellent machinability and reliability in welding (Column 3, lines 24-43). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the holding device of Ebinuma et al and Kameyama to further have the silicon content in the aluminum material be more than 40% (and therefore also more than 15%) by weight and to have the thermal expansion coefficient be less than  $24 * 10^{-6} K^{-1}$  at a density of less than  $7.5 \text{ g/cm}^3$  since Hanada et al teaches of a holding device wherein a base is made of a silicon-containing aluminum alloy wherein the silicon content in the aluminum material is more than 40% (and therefore also more than 15%) by weight and that the thermal expansion coefficient is less than  $24 * 10^{-6} K^{-1}$  at a density of less than  $7.5 \text{ g/cm}^3$  for the purpose of providing a lightweight member with excellent machinability and reliability in welding.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma et al in view of Kameyama and further in view of Partynski et al.

Regarding claim 11, Ebinuma et al discloses an objective (Sections 55-58, wherein the lenses “1 and 2” are held by alloy members “11” and “21”, respectively, Figure 1), comprising an objective housing (Section 59, wherein the housing is supporting member “3”, Figures 1); at least one mount that holds the optical element (Sections 56-58, wherein the mounts are “11” and “21”, Figure 1), and at least one mount being supported by the objective housing (Sections 56-60, wherein the mounts “11” and “21” are supported by housing “3”, Figure 1); the at least one mount being formed substantially entirely of a silicon-containing aluminum material (Sections 56-58, wherein the supporting member “11” is made of a ceramic material including alumina and silicon nitride and the supporting member “21” is made of aluminum-silicon-copper, Figure 1), but does not specifically disclose that the objective housing is formed substantially entirely of a silicon-containing aluminum material or that the objective is used in a camera. Kameyama teaches of an objective for a camera (Column 10, lines 50-56, wherein the lens “1c” is held in the camera body “1”, Figures 1) including an objective housing (Column 17, wherein the camera “1” is held in camera casing “3”, Figure 1); at least one mount that holds the optical element, wherein the at least one mount is supported by the objective housing (Column 10, lines 50-56, mount is the camera body “1” held in casing “3”, Figures 1); the objective housing and the at least one mount being are formed substantially entirely of a diecast aluminum alloy material (Column 17, line 55-Column 18, line 3, wherein the casing “3” and the body of the camera “1” is made of a diecast aluminum alloy), for the purpose of providing a lightweight material with good mechanical strength, corrosion resistance, processability and productivity (Column 17, lines 55-60). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the objective housing of Ebinuma et al to further be made of a silicon-

containing aluminum material since Kameyama teaches of an objective for a camera including an objective housing; at least one mount that holds the optical element, wherein the at least one mount is supported by the objective housing; the objective housing and the at least one mount being formed substantially entirely of a diecast aluminum alloy material, for the purpose of providing a lightweight material with good mechanical strength, corrosion resistance, processability and productivity.

Regarding that part of the claim stating “for an aerial picture camera”, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Nevertheless, Partynski et al teaches of an optical element holder used in an aerial picture camera (Column 10, lines 39-65, wherein the optical system “50” is mounted to the camera housing, Figures 3-4) for the purpose of generating frames of imagery of a scene of interest (Column 13, line 64-Column 14, line 28). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the holding device of Ebinuma et al and Kameyama to further include the member comprising a part of an aerial picture camera since Partynski et al teaches of an optical element holder used in an aerial picture camera for the purpose of generating frames of imagery of a scene of interest.

*Response to Arguments*

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection over Ebinuma in view of Kameyama as shown above.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz  
Patent Examiner  
AU 2873  
February 15, 2005

The image shows two handwritten signatures. The signature on the left is "Jessica" and the signature on the right is "Jordan Schwartz".

**JORDAN SCHWARTZ**  
**PRIMARY EXAMINER**